

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TYEE BURKE, Individually and  
MARC BURKE, JR. by his Next Friend  
and mother, TYEE BURKE,

Lower Court No.: 11-005193-NH  
Hon. Wendy M. Baxter

Plaintiffs,

v

ST. JOHN HEALTH, a Michigan  
corporation, ST. JOHN HEALTH d/b/a  
PROVIDENCE HOSPITAL AND  
MEDICAL CENTERS, INC., a Michigan  
Corporation, DR. SABRINA HANNA, DR.  
GLENN TAYLOR, DR. SOHEYLA  
PEZESHKI and DR. GARY MENNIE,  
Jointly and Severally,

Defendants. \_\_\_\_\_ /

**NOTICE OF REMOVAL**

TO: United States District Court  
Eastern District of Michigan  
Southern Division

NOW COMES the Defendants, by and through their attorneys, KITCH

DRUTCHAS WAGNER VALITUTTI & SHERBROOK, and hereby respectfully submit  
this Notice of Removal for the above-captioned case, and as grounds for removal state  
as follows:

1. Plaintiffs are residents and citizens of South Carolina. (See Paragraph 1  
of Plaintiffs' Complaint in the State Court action, attached hereto as Exhibit A.)

2. Plaintiff filed an action in the State of Michigan, Circuit Court for the  
County of Wayne against several defendants, including Dr. Gary Mennie and Dr.  
Sabrina Hanna, both of whom are residents and citizens of Texas.

3. Defendant St. John Health is a legal entity that was not involved in the care and treatment of plaintiffs. Nevertheless, St. John Health is a corporation that is in and has its principal place of business in Michigan.

4. Providence Hospital and Medical Centers, Inc., is also a corporation that is in and has its principal place of business in Michigan.

5. Defendants Taylor and Pezeshki are both residents and citizens of Michigan.

6. On or about July 15, 2011 defendant Dr. Soheyla Pezeshki was served with a copy of said Complaint.

7. This action is accordingly being removed within 30 days after receipt by defendant of a copy of the initial pleading setting forth the claim for relief.

8. In defendants' Answer to Complaint, Together with Affirmative Defenses, defendants preserved their right to removal to another venue. (See Paragraph 3 of Answer to Complaint, Together with Affirmative Defenses, attached hereto as Exhibit B.)

9. That the above-captioned action is a civil action over which the United States District Court, Eastern District of Michigan, Southern Division, has original jurisdiction under the provisions of 28 U.S.C. §1441, in that it is a civil action wherein the matter in controversy exceeds or may exceed the sum or value of seventy-five thousand (\$75,000.00) dollars exclusive of costs, attorney fees and statutory interest, according to the allegations of the damages in the Complaint, and is between citizens of different states with defendants being residents of Texas and Michigan and plaintiffs being residents of South Carolina, according to their Complaint. Therefore, this Court

has jurisdiction over this case based on diversity of citizenship pursuant to 28 U.S.C. §1332(a).

WHEREFORE, Defendants give notice that this state court action is therefore removable to this court pursuant to 28 U.S.C. 1441 because it is within the original jurisdiction of the U.S. District Court. Plaintiff is notified to proceed no further in state court unless or until the case should be remanded by order of the United States District Court.

Respectfully submitted,

KITCH DRUTCHAS WAGNER  
VALITUTTI & SHERBROOK

By: \_\_\_\_\_  
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Dated: August 12, 2011

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Jointly and Severally,

Defendants. \_\_\_\_\_ /

**CERTIFICATE OF SERVICE**

I hereby certify that on August 12, 2011, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Ardiana Culaj, Esq., and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: N/A.

/s/ Alison Bragg secretary to Genevieve E. Kolasa  
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